

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR SPECIAL MEETING OF MARCH 20, 2009

Prepared on March 18, 2009

ITEM NO: 16

SUBJECT: TMDLS FOR FECAL COLIFORM IN PAJARO RIVER WATERSHED

KEY INFORMATION

Staff recommends the following changes to clarify the intent and implementation expectations for storm drain discharges and private lateral discharges.

Additionally, public comments were received via email after the public comment period by John Ricker (County of Santa Cruz), and Robert Ketley (City of Watsonville) for Agenda Item number 17, the TMDL for Corralitos and Salsipuedes Creeks. Staff has proposed changes as outlined in the supplemental sheet for Item 17. Staff is proposing similar changes for this item, Item 16, to clarify the intent and implementation expectations for storm drain discharges and private lateral discharges.

Please note in the following proposed changes that staff has used strikeout where language will be deleted, and underlined where language will be added.

1. Staff recommends adding the following underlined language to the Implementation Program section, Municipal Separate Storm Sewer System Discharges sub-section of Attachment 1 of the Staff Report:

MUNICIPAL SEPARATE STORM SEWER SYSTEM DISCHARGES

The Central Coast Water Board will address fecal indicator bacteria (FIB), e.g. fecal coliform and/or other indicators of pathogens, discharged from the Counties of Santa Cruz, Santa Clara, and Monterey, and the Cities of Hollister, Gilroy, Morgan Hill, and Watsonville municipal separate storm sewer systems (MS4 entities) by regulating the MS4 entities under the provisions of the State Water Resource Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) (NPDES No. CAS000004). As enrollees under the General Permit, the MS4 entities must develop and implement Storm Water Management Plans (SWMPs) that control urban runoff discharges into and from their MS4s. To address the MS4 entities' TMDL wasteload allocations, the Central Coast Water Board will require the MS4 entities to specifically target FIB in urban runoff through incorporation of Wasteload Allocation Attainment ~~Plans~~ Program in their SWMPs.

The Central Coast Water Board will require the Wasteload Allocation Attainment ~~Plans~~ Program describe the actions that will be taken by the MS4 entities to attain the TMDL wasteload allocations, and specifically address:

1. Development of an implementation and assessment strategy;
2. Source identification and prioritization;
3. Best management practice identification, prioritization, implementation, analysis, and effectiveness assessment;
4. Monitoring program development and implementation;
5. Reporting; including evaluation whether current best management practices are progressing towards achieving the wasteload allocations by thirteen years after the TMDLs are approved by the Office of Administrative Law.
6. Coordination with stakeholders; and
7. Other pertinent factors.

The Wasteload Allocation Attainment ~~Plans~~ Program will be required by the Central Coast Water Board to address each of these TMDLs that occur within the MS4 entities' jurisdictions.

The Central Coast Water Board will require the Wasteload Allocation Attainment ~~Plans~~ Program to be submitted at one of the following milestones, whichever occurs first:

1. Within one year of approval of the TMDLs by the Office of Administrative Law;
2. When required by any other Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For an MS4 that is enrolled under the General Permit at the time of Wasteload Allocation Attainment ~~Plan~~ Program submittal, the Wasteload Allocation Attainment ~~Plan~~ Program must be incorporated into the SWMP when the Wasteload Allocation Attainment ~~Plan~~ Program is submitted. For an MS4 ~~entities~~ entity that is not enrolled under the General Permit at the time of the Wasteload Allocation Attainment ~~Plan~~ Program submittal, the Wasteload Allocation Attainment ~~Plan~~ Program must be incorporated into the SWMP when the SWMP is approved by the Central Coast Water Board.

The Executive Officer or the Central Coast Water Board will require information that demonstrates implementation of the actions described above, pursuant to applicable sections of the California Water Code and/or pursuant to authorities provided in the General Permit for storm water discharges.

2. Staff proposes adding the following underlined language to the Implementation Program section, Private Sewer Lateral Discharges sub-section of Attachment-1 of the Staff Report.

The Central Coast Water Board requires immediate cessation of spills from private laterals. Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of private laterals to sanitary sewer collection systems (owners/operators of private laterals), in suspected problem areas, of this requirement and of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of private laterals options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of private laterals will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner/operator of private lateral is and will continue to be

- in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz or City of Watsonville that owner/operator of private lateral is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years (the exact timeframe at the discretion of the Executive Officer) from the date of the Executive Officer's notification to the owner/operator requiring compliance, or
 - 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)) or,
 - 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by County of Santa Cruz or the City of Watsonville, acting as the voluntary agents of owners/operators of private laterals. Note that an owner/operator of a private lateral cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz or the City of Watsonville is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the County of Santa Cruz or the City of Watsonville as their agent, or, 3) the Executive Officer or Water Board does not approve the evidence submitted by the County of Santa Cruz or the City of Watsonville on behalf of the owners/operators of private laterals.